

**STROOCK**

August 31, 2020

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Honorable John G. Koeltl  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: Blimie Goldstein v. American Express Co., Case No. 1:19-cv-11013-JGK

Dear Judge Koeltl:

We represent American Express National Bank (“American Express”), erroneously named here as American Express Co., in the above-referenced action. Joined with plaintiff Blimie Goldstein (“Plaintiff”), we write to update the Court regarding the parties’ efforts to settle or arbitrate their claims in accordance with this Court’s Order dated March 27, 2020. See ECF No. 28.

The parties have thus far been unable to settle their claims. On March 26, 2020, Plaintiff formally commenced arbitration with JAMS. On April 9, 2020, American Express submitted its answer to Plaintiff’s demand for arbitration with affirmative defenses and counterclaims. By August 20, 2020, the parties submitted their preferences concerning the appointment of an administrator to JAMS via strike and rank lists. The parties are awaiting notice of the appointment of an arbitrator and the scheduling of a Preliminary Arbitration Management Conference Call.

In light of the above, the parties respectfully request that this Court administratively dismiss this action without prejudice, pending the conclusion of arbitration. In addition, the parties respectfully request that they be provided 120 days after a final arbitration award is issued to move to vacate, modify, or correct the award. See 15 U.S.C. §12 (the Federal Arbitration Act establishes a three-month deadline to move to vacate, modify, or correct an award). After that deadline expires, the parties request an additional 30 days to reopen this action to confirm the award.

We thank the Court for its consideration of this request.

Respectfully submitted,

/s/Carol A. DiPrinzio

Carol A. DiPrinzio

cc: All Counsel of Record (via ECF)

Application granted. The Clerk is directed to dismiss this case without prejudice pending the result of the arbitration between the parties. The parties will have 120 days after the final arbitration award to vacate, modify, or correct the arbitration award. The parties will have 30 days after that deadline to reopen this action to confirm the award. The Clerk is directed to close all pending motions and close the case.

SO ORDERED.

New York, NY  
September 2, 2020

/s/ John G. Koeltl  
John G. Koeltl  
U.S.D.J.